Legal Opinion (S) (55-020)

Subject: Start of Campaigning

Date: January 26th, 2015

Senator Frank Cirillo requested a legal opinion on January 25, 2015. Senator Cirillo asked “Statute 702.2.3 states, "Official Campaigning shall begin four weeks prior to the start of Spring Break, and shall end with the close of polls on the final day of voting." Does this means that according to this statute, campaigning shall begin on Monday February 2nd, 2015?"

Student Government statute 702.2.3 states the following:

702.2.3 Official Campaigning shall begin four weeks prior to the start of Spring Break, and shall end with the close of polls on the final day of voting.

Furthermore,

Student Government statute 702.2.4 states the following:

702.2.2 After a candidate or ticket submits their complete application, the Student Government Advising and Training Operations Bureau shall commence the check of eligibility of candidates and tickets. SGATO shall continuously check the eligibility of candidates and tickets until the start of Official Campaigning. The eligibility status of each candidate or ticket shall continuously be sent from SGATO to the ERC via email until the start of Official Campaigning. When the Student Government Advising and Training Operations Bureau have completed this check, they will contact the Elections Rules Commission who will inform the candidate and/or ticket they may run in the election via official USF email. If a candidate or ticket is found to be ineligible to run for office they will be notified of the reason for their ineligibility by a member of SGATO.

Student Government statute 702.8.4 states the following:

702.8.4 Campaigning will begin immediately following the official announcement that a Run Off Election will occur and end upon the closing of the polls on the final day of voting.

Furthermore,

Student Government statute 103.12 states the following:

103.12 Business Day- The days of the week between and including Monday to Friday from the hours of 9 AM to 5 PM, upon which the University of South Florida is open for business.
Furthermore,

ERC ROP 3.1 states the following:

3.1. Official Campaigning shall begin two (2) weeks prior to the first voting day and will end at the conclusion of the final day of voting.

3.1.1. Students may not campaign prior to the onset of Official Campaigning; however, they may solicit the assistance of campaign staff and organizers.

Furthermore,
The USF registrar’s calendar shows USF Spring break being March 2-7, 2015

Therefore, it is the opinion of the Attorney General that official campaigning should begin on Monday, February 2nd, 2015 at 9am, as that date is the first business day, 4 weeks prior to the beginning of spring break. Student government operates on business days, with only few exceptions. Statute 702.2.2 states that SGATO shall check the eligibility of candidates until the start of official campaigning, which with the start of campaigning being the 2nd of February at 9am, 2015, SGATO should statutorily have the checks done prior to that, and with the use of business days they should be completed and the ERC notify candidates by no later than 5pm, January 30th, 2015. The Election packet is also misleading in several dates, and is missing pieces of information (those being the fact that Presidential/Vice Presidential tickets must have a second candidate meeting with the ERC, not having the campaign staff sheet list, and the list of major and minor violations).

Alexander Johnson
Attorney General

CC:
Student Body President Jean Cocco
Student Body Vice President Rhondel Whyte
Senate President Andy Rodriguez
Senate President Pro-Tempore Abdool Aziz
Acting Chief Justice Daniel Shapiro
Acting Senior Justice Lindsay Betros
SGATO Director Gary Manka
Name/College/Position Running for

2015 General Elections

Candidate Packet Due on
Friday, January 23, 2015
No later than 4:59:59 P.M.

www.sg.usf.edu

SGATO TIME STAMP: ____________________________
ELECTION REQUIREMENTS

All candidates MUST have turned in a completed application packet before 4:59:59pm Friday, January 23, 2015.

All candidates MUST attend AT LEAST ONE informational meeting before 4:59:59pm Friday, January 30, 2015. Times/Dates are listed in this packet.

SG REQUIREMENTS

Senators MUST attend Tuesday night senate meetings (typically 6pm-8pm). Some exceptions may be made for exams and class conflicts that require late arrival/early departure. For more information about this please speak to the Senate President Pro Tempore prior to application.

Senators MUST sit on one committee. The Senate President Pro Tempore assigns committee memberships based on class schedule and seniority.

Candidates MUST be enrolled for at least 6 credit hours as an undergraduate or 4 credits as a graduate degree seeking student and maintain AT LEAST an institutional 2.5 GPA and may not be under disciplinary probation, suspension or expulsion.

All candidates will be notified of their eligibility by or on Monday, February 2, 2015. The ERC will notify all eligible candidates, SGATO will notify all ineligible candidates.

ELECTION SCHEDULE

NO Campaigning.

NO Campaigning. All candidates must attend one meeting to be eligible to run. (Specific Dates listed in application packet)

NO Campaigning.

Candidate Eligibility Notification: Monday, February 2, 2015.
Candidates must wait for verification from the ERC/SGATO before campaigning!

Candidates must receive verification from the ERC before campaigning!


Contact Information

John Quiroz, Supervisor of Elections
quiroz@usf.edu

Election Information:

• All seats in Senate for all colleges will be open for election as well as the positions of President and Vice President, which must run as a joint ticket.

• This packet will serve for the application of all positions in the General Election.

• Students may only run for one position.

• Only paperwork submitted to the Elections Rules Commission with a time stamp will be recognized as received, including this application.

Candidate Information Meetings

Candidates MUST attend at least one meeting, as required by statutes; however, all students are welcome to attend. You will be disqualified if you fail to attend a meeting. If your schedule conflicts with all of the times below contact the Supervisor of Elections. All meetings will be held in the Student Government conference room, MSC 4304 unless otherwise indicated. *indicates tentatively scheduled meetings. If any changes occur all applicants will be notified by email.

Monday, January 26, 2015 – 4:30 P.M.*
Tuesday, January 27, 2015 – 4 P.M.*
Wednesday, January 28, 2015 – 4 P.M.*
Thursday, January 29, 2015 – 4 P.M.*
Friday, January 30, 2015 – 4 P.M.*

Office Hours

Monday to Friday from 1 p.m. to 3 p.m. or by appointment.
The office will be MSC 4304B. For any further questions contact Supervisor John Quiroz at quiroz@usf.edu
Candidate Information Sheet

Everyone participating in this election must complete a Candidate Information Sheet

Return Application to Student Government
Marshall Student Center, Suite 4300

Position(s) Running for: ________________________________

Personal Information:

Name: ________________________________ U-Number: ________________________________

Address: ________________________________ City: __________________ State: ___ Zip: ______

Telephone Number: ________________________________

Official USF Email address: ________________________________

Have you worked for any other USF department within the past year?
Yes No

If so, are you currently employed by that department?
Yes No

College ________________________________

Major ________________________________

Student Standing:
Freshman  Sophomore  Junior  Senior  Graduate Student

Credit Hours Enrolled this Semester: ____________

Signature of Candidate ________________________________

Date: ________________________________
Candidate Expense Statement

List all of the following expenditures that were spent during your election campaign. In the case that you have additional expenditures past the submission of this statement you may amend by submitting an amended expense statement. Misreported information on the Expense Statement may result in major/minor violations being assessed.

Name: __________________ Date: __________________

Office Seeking: __________________ College: ________________

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Subtotal

Tax

Total

I do hereby swear or affirm that the above list of expenditures is representative of my sum total of expenditures received during my campaign for Student Government office.

Signature of Candidate ________________________________

Supervisor ________________________________

Time & Date: ________________________________
Candidate Contribution Statement

List below all of the following contributions that were received during your election campaign. In addition to all contributions made by outsiders of your campaign like local business owners make sure to include any donations you make to your own campaign such as money and previously owned supplies. In the case that you have additional contributions past the submission of this statement you may amend by submitting an amended contribution statement. Misreported information on the Contribution Statement may result in major/minor violations being assessed.

Name: __________________________ Amount: $________
Address: __________________________
Phone: __________________________

Name: __________________________ Amount: $________
Address: __________________________
Phone: __________________________

Name: __________________________ Amount: $________
Address: __________________________
Phone: __________________________

Name: __________________________ Amount: $________
Address: __________________________
Phone: __________________________

I do hereby swear or affirm that the above list of contributions is representative of my sum total of contributions received during my campaign for Student Government office.

(Candidate Signature) ___________________________ Candidate’s Printed Name __________

(Supervisor) ___________________________ Date and Time __________
Everyone participating in this election must complete a Buckley Waiver

Buckley Waiver

I, ____________________________, hereby authorize and consent to the release of my records, which shall include my GPA, academic standing, major, and confirmation of enrollment at USF for the purposes of verifying the qualifications of employment and/or volunteer positions with Student Government. I also acknowledge that the information provided on this application is true to the best of my knowledge. I understand that falsification of any part of this form will be cause for immediate dismissal if employed in volunteering my time and/or the invalidation of this application. This information shall be held by Student Government for a period not to exceed one year, if not hired by SG. In the event that I am hired, I understand this application will become part of my permanent employee/volunteer file. This information shall not be released to any other entity without my prior written consent.

The following affirmation is a requirement that all SG members must sign in order to serve or be employed by or volunteer for Student Government. This affirmation is an extension of the SG waiver that all SG members currently sign to enable SG to ensure all prospective candidates, volunteers, and employees meet SG requirements.

Affirmation of Status of Student Government Records and Privacy Rights
for USF Student Government Officers, Appointees, Employees and Volunteers

I, ____________________________, voluntarily assume the responsibilities and rights afforded to me as a USF Student Government Officer/Appointee, Employee and/or Volunteer and acknowledge that although as a student at the University of South Florida my student records are confidential and protected by both Federal (FERPA) and State (FL. St. 1002.22) Privacy Laws, as an active participant in the USF Student Government my actions and any records created as a result of my elected, appointed or hired position in USF Student Government (herein, SG Records) are subject to both the Florida Sunshine Laws (FL St. 286.011) and Florida Open Records Laws (FL. St. Chapter 119. The University will produce the Student Government records to the extent they are directly related to student government activities, including but not limited to, emails using the SG email address, requests or grants of funding, payroll or expense reimbursement or any campaign documents and expenditures as required by state and federal law in the event of a public record, public meeting or audit and compliance or investigation or any review by student government, the university, the state or other agency. I understand that specific documents or meetings that deal with my student status or student academic records unrelated to SG or that include judicial hearings that involve issues of student conduct, court records or records maintained by OSSR may retain their confidential and exempt status as provided by law.

________________________________________  _________________________
Signature                                           Date

Please Print Name:

________________________________________
U #

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Candidate Biography

Candidates may include a biography to be posted on the Student Government website prior to elections if they so choose. This biography will be limited to a maximum of 200 words and must be submitted to the Supervisor of Elections, via email, in a word document (.doc) by Monday, February 2nd by 4:59 pm. The Elections Rules Commission is not responsible for any grammar, formatting or spelling mistakes and will post only what the candidate submits.

1. Write a biography with a maximum of 200 words
2. Save in a .doc format
3. Email this file as an attachment to the Supervisor of Elections John Quiroz at quiroz@usf.edu
4. Deadline: Monday February 2nd at 4:59pm

EXAMPLE: My name is Rocky D. Bull and I am a junior majoring in Biomedical Sciences here at the University of South Florida. I am currently the Public Relations officer for the Economics Scholar Society as well as an active member of Black Student Union and Alliance of Concerned Students. Ever since arriving on the Tampa campus I have been looking for a way to get involved and give back to the student body and I feel being your Senator is the best way I can do that. As a Senator I will fight to make Student Government more transparent so you can see where your money goes. In addition I will help to bridge the gap between Student Government and the student body by relaying real student concerns and getting your input on important matters. Finally as a Senator I will stand up for any student concern even when it differs with my opinion because I am a Senator for the students. VOTE RDB February 16th-February 19th.